REMARKS

Claims 15-26 and 35-38 are pending.

Claim Rejections under 35 USC §103

Claims 15, 16, 18-21, and 35-38 are rejected under 35 U .S.C. 103(a) as being unpatentable over Monin et al. (hereinafter "Monin", US 2002/0197984) in view of Malhotra et al. (hereinafter "Malhotra", US 7,110,374).

Regarding claim 15, the official action states that Monin teaches or suggests a Wireless Local Area Network (WLAN) device (fig. 5 and fig. 6, control unit 28) that includes a first baseband processor interface. The action states that the baseband module 1 implicitly teaches a baseband processor interface because the baseband processor must be able to connect, interact or communicate with many other components. For example, the action states, the baseband module 1 is connected and communicated with radio module 1. The action also cites Monin for teaching a first radio for receiving the digital data and for transmitting RF signals in a first frequency band and for receiving RF signals in the first frequency band and for producing corresponding digital data to the first baseband processor interface and a second baseband processor interface for receiving, processing and generating digital data and a second radio for receiving the digital data and for transmitting RF signals in a second frequency band and for receiving RF signals in the second frequency band and for producing corresponding digital data to the second baseband processor interface (fig. 5 and fig. 6, radio module 2 is connected to baseband module 2).

The action concludes, regarding claim 15, that Monin:

> *does not expressly teach or suggest band selection logic wherein the WLAN device scans a plurality of channels in the first and second frequency bands transmitted according to the first and second communication protocols to selects a channel for a subsequent communication.*

The action states, however, that:

> *In a similar endeavor, Malhotra teaches or suggests wireless LAN with dynamic channel selection. Malhotra also teaches or suggests band selection logic wherein the WLAN device scans a plurality of channels in the first and second frequency bands transmitted according to the first and second communication protocols to selects a channel for a subsequent communication (i.e., scanning and selecting a channel for operation as described at col. 3, line 43 - col. 4, line 4).*

The applicants note that claim 15 requires:

first and second baseband processor interfaces operably coupled to first and second radios that communicate according to first and second communication protocols;

wherein the WLAN device scans a plurality of channels in the first and second frequency bands transmitted according the to the first and second communication protocols to select a channel for a subsequent communication.

The claims require, therefore, a WLAN device (either a handset or an access point) that includes a plurality of different protocol radios and a method, logic or circuitry for scanning channels in the frequency bands associated with the different protocol radios to select a channel for a subsequent communication. Such operations may even be performed after a communication has begun. As is stated in the last sentence of the first paragraph of page 25, "*The best WAP may be in a band different from the band over which communication was initiated.*"

The applicants refer to FIGs. 4B, 4C and 7 and associated text in the specification of the present application. These figures support the above claim language. As FIG. 7 shows very clearly, for example, a WLAN device that includes 3 different protocol radios (802.11(a), (b) and (g)). Thus, the claims require scanning across channels of the different protocol radios.

A careful examination of the cited text of Malhotra, however, shows that Malhotra only teaches scanning channels without reference to protocol. Thus, since Malhotra is not clear and does not clearly state that such scanning occurs across channels of different protocol radios that are part of one device, such operation cannot be assumed. The applicants further note that none of the figures of Malhotra show different protocol radios within a single device.

The grounds of rejection of claim 35 are similar. Thus, for the same reasons, the applicants believe that claim 35 is allowable over the rejections citing Monin and Malhotra.

Regarding claim 22, the official action cites Monin for teaching radios within a control unit 28 that communicate according to different protocols. The action then cites Agrawal for teaching or suggesting frequency hop collision avoidance in a multi-channel BT packet transmission system.

The applicants acknowledge that frequency hopping is known for certain types of systems. The applicants note, however, that claim 22 requires:

> *wherein the WLAN device scans a plurality of channels in the first and second frequency bands transmitted according the to the first and second communication protocols to select a channel for a subsequent communication.*

Even if Monin suggests that the different radios within a "control unit" can communicate according to different protocols, those radios are used to communicate with corresponding different transceivers. Thus, even if Monin is combined with Agrawal and Malhotra, the references do not teach a single device that communicates with another single device over a selected one of a plurality radios and associated protocols based on a multi-protocol scan.

Because the cited references do not address a WLAN device using multiple protocol radios to support communications, even with one device, and further that scanning to select a channel from the different frequency bands and associated protocols is not taught, the applicants believe that all of the independent and their associated dependent claims are allowable over the cited art.

Accordingly, it is believed that the rejections to the dependent claims are moot since the independent claims are believed to be allowable as argued above thereby rendering the grounds of rejection of the dependent claims moot. Thus, the rejections to the dependent claims won't be addressed here.

CONCLUSION

For the above reasons, the applicant believes the Application in condition for allowance and therefore requests reconsideration of the pending claims. Should the Examiner have any further comments or suggestions, please contact James Harrison at (214) 902-8100.

Respectfully submitted,
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